IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P.No.2074 of 2004
Date of Decision : 13.12.2007.

Balwant Rai Girdhar and others .....Petitioners

versus

Punjab National Bank and others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MR.JUSTICE MOHINDER PAL

Present : Mr.H.C.Arora, Advocate for the petitioners.
Mr.G.S.Bajwa, Advocate for the respondents.

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JUDGMENT

HEMANT GUPTA, J.

The petitioners are the employees of the Punjab National Bank who have opted for voluntary retirement under the Voluntary Retirement Scheme, 2000 framed by the respondent-bank. The claim of the petitioners is for grant of benefits under the Punjab National Bank Employes (Pension) Regulations, 1995 as well while seeking voluntary retirement under the aforesaid scheme.

Learned counsel for the petitioners has relied upon a Division Bench judgment of this Court in Civil Writ Petition No.6406 of 2006, titled as Baldev Singh Versus Punjab and Sind Bank and others, decided on 10.1.2007, wherein considering the identical scheme framed by the Punjab and Sind Bank, this Court has held that the employees opting for voluntary retirement under the scheme are also entitled to the benefits under the

pension regulations.

Learned counsel for the respondents has sought to argue that the Voluntary Retirement Scheme is an independent scheme and the petitioners opting for such scheme cannot claim the benefits under the pension regulations. It is also argued that having received the benefits under the scheme, the petitioners cannot claim the benefits under the regulations.

The argument that the benefits under the pension scheme are not available, has been considered by the Division Bench of this Court in the aforesaid judgment. The other argument that the petitioners cannot be permitted to claim the additional benefits under the regulations, is not tenable. Having accepted the benefits under the scheme, the petitioners cannot turn around to wriggle out of the scheme, but it is open to the petitioners to claim the benefits in terms of the scheme. Therefore, we do not find any merit in the argument raised by learned counsel for the respondents.

While allowing the aforesaid writ petition, this Court directed the respondents to recalculate the pension payable to the petitioner by adding five years of service to his qualifying service and pay him the arrears of pension due to him alongwith the interest @ 9% per annum from the date the amount became due and payable till the date of payment.

Keeping in view the fact that the matter in issue has been decided by the Division Bench of this Court in Civil Writ Petition No.6406 of 2006, vide judgment dated 10.1.2007, we allow the present writ petition directing the respondents to recalculate the pension payable to the petitioner in accordance with the regulations prevalent at the time when the petitioners have sought voluntary retirement. The respondent-bank shall

recalculate the arrears of pension within a period of three months from today and shall pay the arrears of pension due to the petitioners alongwith interest @ 9% per annum from the date the amount became due and payable till the date of payment.

(HEMANT GUPTA)
JUDGE

13-12-2007
**mohinder*

(MOHINDER PAL)
JUDGE